

AMENDED IN SENATE MARCH 28, 2006

AMENDED IN SENATE MARCH 14, 2006

**SENATE BILL**

**No. 1227**

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**Introduced by Senator Denham**

February 6, 2006

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An act to add Section 1463.27 to the Penal Code, and to amend Section 22352 of, to add Section 42012 to, and to repeal Section 22358.4 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1227, as amended, Denham. Prima facie speed limits: schools: school zones.

(1) Existing law, in the case of specified driving violations occurring in a specially posted school zone, in Alameda County, Santa Barbara County, Ventura County, or in a city in those counties, doubles the fine in the case of misdemeanors, and increases the fine, as specified, in the case of infractions, if that county or city opts to apply this program. Existing law requires the enhanced portion of the fine to be deposited in a special account in the county treasury, to be used exclusively to pay for the cost of school pedestrian-bicyclist safety programs administered by a city or county that has opted to apply the program. Existing law authorizes Alameda County, Santa Barbara County, Ventura County, or a city in those counties, in collaboration with local school districts, to establish a school pedestrian-bicyclist safety program and receive funds from that special account, if the funds are used to fund programs that enhance the safety of pupils traveling to and from school on foot or by bicycle. Existing law repeals these provisions on January 1, 2007.

This bill would enact “*The Gonzalez-Martinez-Maloney School Safety Act*” and would, in the case the specified driving violations occurring in a specially posted school zone, would require doubling of the fine in the case of misdemeanor, and increases in the fine, as specified, in the case of infractions in each city, county, and city and county, accept, if applicable, in those cities and counties, where the current school pedestrian-bicyclist safety programs are being administered. This bill would require the enhanced portion of the fine to be deposited in a special account in the county treasury, to be used exclusively to pay for the cost of enhanced school traffic safety programs in school zone administered by a city, county, or city and county. The bill would require the enhanced portion of the fine to be distributed to the local jurisdiction wherein the arrest occurred.

By increasing the duties of a county treasurer, the bill would impose a state-mandated local program.

(2) Under existing law, a 25 miles per hour prima facie limit is established when approaching or passing a school building or school grounds on highways contiguous thereto if posted with a standard “SCHOOL” warning sign while children are going to or leaving the school either during school hours or during the noon recess period, and on when approaching or passing certain separated school grounds. Existing law, however, authorizes a city or county, upon the basis of an engineering and traffic survey that determines that the prima facie speed limit of 25 miles per hour established is more than is reasonable or safe, by ordinance or resolution, to determine and declare a prima facie speed limit of 20 or 15 miles per hour, whichever is justified as the appropriate speed limit by that survey.

This bill would establish a 15 mile per hour prima facie speed limit for the above-described school zones. The bill would allow a county or city, by ordinance or resolution, to determine and declare that the 15 miles per hour prima facie speed limit does not apply to a particular school building or school grounds and to notify the affected school district of that determination.

Because this bill would expand the scope of an existing crime, this bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     *SECTION 1. This act shall be known and may be cited as*  
2     *“The Gonzalez-Martinez-Maloney School Safety Act” to honor*  
3     *the memories of Paola Gonzalez, Daisy Martinez, and “Officer*  
4     *Jim” Maloney who were pedestrians killed by a motor vehicle*  
5     *near schools.*

6     ~~SECTION 1.~~

7     SEC. 2. Section 1463.27 is added to the Penal Code, to read:

8     1463.27. (a) Notwithstanding Section 1463.001, out of  
9     moneys deposited with the county treasurer pursuant to Section  
10    1463.001, the enhanced portion of the fine imposed pursuant to  
11    Section 42012 of the Vehicle Code shall be deposited in a special  
12    account in the county treasury that shall be used exclusively to  
13    pay for the cost of enhanced traffic safety programs in school  
14    zones administered by a city or county. The enhanced portion of  
15    the fine shall be distributed to the city or county where the arrest  
16    occurred.

17    (b) Funds obtained by a city or county from the source  
18    described in subdivision (a) are to supplement funds otherwise  
19    expended by that city or county for traffic safety programs in  
20    school zones and shall not be used to supplant an existing  
21    expenditure for traffic safety in school zones.

22    (c) This section does not apply to a city or county if that city  
23    or county has adopted Section 42011 of the Vehicle Code.

24    ~~SEC. 2.~~

25    SEC. 3. Section 22352 of the Vehicle Code is amended to  
26    read:

27    22352. The prima facie limits are as follows and shall be  
28    applicable unless changed as authorized in this code and, if so

1 changed, only when signs have been erected giving notice  
2 thereof:

3 (a) Fifteen miles per hour, as follows:

4 (1) When traversing a railway grade crossing, if during the last  
5 100 feet of the approach to the crossing the driver does not have  
6 a clear and unobstructed view of the crossing and of any traffic  
7 on the railway for a distance of 400 feet in both directions along  
8 the railway. This subdivision does not apply in the case of any  
9 railway grade crossing where a human flagman is on duty or a  
10 clearly visible electrical or mechanical railway crossing signal  
11 device is installed but does not then indicate the immediate  
12 approach of a railway train or car.

13 (2) When traversing any intersection of highways if during the  
14 last 100 feet of the driver's approach to the intersection the driver  
15 does not have a clear and unobstructed view of the intersection  
16 and of any traffic upon all of the highways entering the  
17 intersection for a distance of 100 feet along all those highways,  
18 except at an intersection protected by stop signs or yield  
19 right-of-way signs or controlled by official traffic control signals.

20 (3) On any alley.

21 (4) (A) When approaching or passing a school building or the  
22 grounds thereof, contiguous to a highway and posted with a  
23 standard "SCHOOL" warning sign, while children are going to  
24 or leaving the school either during school hours or during the  
25 noon recess period. The prima facie limit shall also apply when  
26 approaching or passing any school grounds which are not  
27 separated from the highway by a fence, gate, or other physical  
28 barrier while the grounds are in use by children and the highway  
29 is posted with a standard "SCHOOL" warning sign.

30 (B) For purposes of subparagraph (A), standard "SCHOOL"  
31 warning signs may be placed at any distance up to 500 feet away  
32 from school grounds.

33 (C) A local authority may, by ordinance or resolution,  
34 determine and declare that the 15 miles per hour prima facie  
35 speed limit for a particular school building or school ground is  
36 unsafe, in which case, subparagraph (A) does not apply to that  
37 school building or ground. The local authority shall notify the  
38 affected school district of its decision under this subparagraph.

39 (b) Twenty-five miles per hour, as follows:

1 (1) On any highway other than a state highway, in any  
2 business or residence district unless a different speed is  
3 determined by local authority under procedures set forth in this  
4 code.

5 (2) When passing a senior center or other facility primarily  
6 used by senior citizens, contiguous to a street other than a state  
7 highway and posted with a standard “SENIOR” warning sign. A  
8 local authority is not required to erect any sign pursuant to this  
9 paragraph until donations from private sources covering those  
10 costs are received and the local agency makes a determination  
11 that the proposed signing should be implemented. A local  
12 authority may, however, utilize any other funds available to it to  
13 pay for the erection of those signs.

14 ~~SEC. 3.~~

15 *SEC. 4.* Section 22358.4 of the Vehicle Code is repealed.

16 ~~SEC. 4.~~

17 *SEC. 5.* Section 42012 is added to of the Vehicle Code, to  
18 read:

19 42012. (a) For an offense specified in subdivision (b) that is  
20 committed by the driver of a vehicle under either of the following  
21 conditions, the fine in a misdemeanor case shall be double the  
22 base amount otherwise prescribed, not including any penalty  
23 assessments or other fees or additions, and in an infraction case,  
24 the fine shall be one category higher than the penalty otherwise  
25 prescribed by the uniform traffic penalty schedule established  
26 pursuant to Section 40310, not including any penalty assessments  
27 or other fees or additions:

28 (1) When passing a school building or the grounds thereof, if  
29 the building or grounds are contiguous to a highway and posted  
30 with a standard “SCHOOL” warning sign and an accompanying  
31 sign notifying motorists that increased penalties apply for traffic  
32 violations that are committed within that school zone, and  
33 children are going to or leaving the school either during school  
34 hours or during the noon recess period.

35 (2) When passing school grounds that are not separated from  
36 the highway by a fence, gate, or other physical barrier while the  
37 grounds are in use by children, and the highway is posted with a  
38 standard “SCHOOL” warning sign and an accompanying sign  
39 notifying motorists that increased penalties apply for traffic  
40 violations that are committed within that school zone.

(b) A violation of the following provisions is an offense that is subject to subdivision (a):

(1) Article 3 (commencing with Section 21450) of Chapter 2 of Division 11, relating to obedience to traffic devices.

(2) Chapter 3 (commencing with Section 21650) of Division 11, relating to driving, overtaking, and passing.

(3) Chapter 4 (commencing with Section 21800) of Division 11, relating to yielding the right-of-way.

(4) Chapter 6 (commencing with Section 22100) of Division 11, relating to turning and stopping and turn signals.

(5) Chapter 7 (commencing with Section 22348) of Division 11, relating to speed limits.

(6) Chapter 8 (commencing with Section 22450) of Division 11, relating to special traffic stops.

(7) Section 23103, relating to reckless driving.

(8) Section 23104, relating to reckless driving that results in bodily injury to another.

(9) Section 23109, relating to speed contests.

(10) Section 23152, relating to driving under the influence of alcohol or a controlled substance, or a violation of Section 23103, as specified in Section 23103.5, relating to alcohol-related reckless driving.

(11) Section 23153, relating to driving under the influence of alcohol or a controlled substance that results in bodily injury to another.

(12) Section 23220, relating to drinking while driving.

(13) Section 23221, relating to drinking in a motor vehicle while on the highway.

(14) Section 23222, relating to driving while possessing marijuana or an open alcoholic beverage container.

(15) Section 23223, relating to being in a vehicle on the highway while possessing an open alcoholic beverage container.

(16) Section 23224, relating to being a driver or passenger under the age of 21 years possessing an open alcoholic beverage container.

(17) Section 23225, relating to being the owner or driver of a vehicle in which there is an open alcoholic beverage container.

(18) Section 23226, relating to being a passenger in a vehicle in which there is an open alcoholic beverage container.

(c) This section does not apply to a city or county that adopts Section 42011.

(d) An increased fine shall not be imposed if an increased fine is imposed pursuant to Section 42009 because the offense occurred within a highway construction or maintenance area.

~~SEC. 5.~~

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

CORRECTIONS:

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